Appendix T.

(Chapter XXV.)

The following are the rules according to which the cash allowances of religious establishments have been adjudicated, and are known as "the Amended Rules of 1842" :—

(1) All allowances held under a specific and absolute declaration of the British Government, or of any competent officer acting under it, that they are to be continued hereditarily, or in perpetuity, are to be so continued.

Provision 1*st*.—Any question as to the competency of the officer to make such declaration or as to the extent of the declaration made, is to be determined by Government.

(2) Any allowance held under a sanad declaring it to be hereditary shall be so continued, according to the terms of the sanad.

Provision 1*st*.—Provided that the grant was either made or specifically recognized by authority competent to alienate Government revenue in perpetuity, the question of which recognition and competency is to be determined by Government.

Provision 2*nd*.—And that there be nothing in the conditions of the tenure which cannot be observed without a breach of the laws or of public decency.

Provision 3*rd*.—And that the grant was not afterwards revoked or disallowed, or an alteration of its terms ordered or recognised, by a competent authority.

(3) All allowances uninterruptedly held for sixty years before the introduction of the British Government, and then in the authorized possession of a grandson in male descent, or male heir of the body of such grandson of the original grantee, shall continue to be so held so long as there shall be in existence any male heirs of the body of the recipient at the introduction of the British Government, tracing his lineage from such recipient through male heirs only. For provisions affecting Rule (3) see below, Rule (4).

All allowances uninterruptedly held for sixty years before the introduction of the British Government, and then in the authorized possession of a son of the original grantee, are to be continued for three successions further than that of the recipient at the introduction of the British Government, that is, until the death of his last surviving great-grandson.

All allowances uninterruptedly held for fifty years before the introduction of the British Government, and then in the authorized possession of a son of the original grantee, are to be continued for two successions further than that of the recipient at the introduction of the British Government—that is, until the death of his last surviving grandson.

The above two rules do not preclude the discretion provided for by Rule (5).

(4) All allowances uninterruptedly held for forty years before the introduction of the British Government, and then in the authorized possession of a son or male heir of the body of a son of the original grantee, are to be continued for one succession further than that of the recipient at the introduction of the British Government —that is, until the death of his last surviving son.

Provision 1*st.*—The authorized possession contemplated by Rules (3) and (4) does not involve the necessity of proving any specific authority from, or recognition by, the Government or paramount power. The mere entry of the allowance as disbursed in the genuine accounts of the district officers (even in those not audited and passed by the Government of the time being) will be sufficient to bring it under the heads of "uninterrupted" and "authorized" so far as regards the purposes of this rule; provided only that there are no entries in the Government accounts which show that the payment of such allowances must have been unauthorized by the Government or paramount power.

Provision 2*nd.*—The introduction of the British Government is to be reckoned from the time the East India Company became the Government or paramount authority over each district in the territories ceded by or conquered from the Peishwa; therefore, whether khálsat maháls or surinjám, &c., held exclusive of inâms, watans, haks, &c., the introduction of the British Government will date from the close of that of the Peishwa. But in case of the lapse of an independent principality, or of a jághir more ancient than the Peishwa's Government, and over the inâms, haks, &c., in which he did not claim any authority, the introduction of the British Government should be reckoned only from the date at which the general management of these districts came into the hands of the Company; and if a question shall arise as to the date when the Company became the government over any district, or when the general management of it came into their hands, it shall be determined by Government.

(5) All claims for allowances in which the period of years necessary for each degree of prescriptive right may have been completed, while the number of successions may have occurred, are to be decided specially on their merits.

(6) Any allowance which is not continuable under the preceding rules is to be resumed on the demise of the person who was the recipient at the introduction of the present Government.

Provision 1*st.*—Life-enjoyment is to be accorded to actual recipients in all cases where no fraud or other reason be apparent to justify the withholding of the indulgence.—(*G. R. No.* 3096, *July* 29, 1869.)

Provision 2nd.—When an allowance is evidently held by fraud recently committed, it shall be at once resumed.

(7) All allowances for the support of mosques, temples, or similar institutions, of the permanent character of which institutions there can be no doubt, are to be continued permanently, even though their permanent continuance may not have been expressly provided for when they were granted.

Provisions 1st, 2nd and 3rd.—The same as the corresponding provisions of Rule (2) in those cases in which title-deeds or other records proving the circumstances of the original grant, or its specific recognition by competent authority, are forthcoming.

Provision 4th.—If there is no proof forthcoming whether an allowance coming under the provisions of this rule was granted, or recognized, by a competent authority, still, if it has been undisputedly enjoyed for a period of forty years before the introduction of the present Government, it shall be permanently continued; and enjoyment proved by the mere entry of the allowance as continued in genuine accounts of the district officers (even in those not passed by the Government of the time being) is to be considered sufficiently "uninterrupted" to give an allowance the benefit of this provision, if there be no entries in the Government accounts which show that it must have been unauthorized by them.

Provision 5th.—The peculiar advantages of this rule do not apply to allowances held by individuals in their own names for the performance of ceremonial worship, claims to which must be decided under the rules for personal claims.

Provision 6th.—When claims of the denomination coming under this rule are found to be supported by proof of original valid title and are proved void of sufficient prescriptive enjoyment, they are to be adjudicated according to Rule (6).

(8) All allowances held by an official tenure not involving service to the State, which tenure, it is evident from local usage, was meant to be permanent, and has been so considered heretofore, even though there be no sanads declaring it to be so—for instance, allowances which form the authorized emoluments of such permanent offices as those of Kázis, Grám Joshis, &c., and are not merely personal—are to be continued permanently.

Provisions 1st, 2nd, and 3rd.—The same as the corresponding provisions of Rule (7).

Provision 4th.—If there is no proof forthcoming to show whether or not an allowance coming under the provisions of this rule was granted, or even specifically recognized, by competent authority, still, if it has been authorizedly enjoyed as an official and not merely personal holding from the earliest period to which the forthcoming evidence does relate, it shall be continued permanently as official emolument, unless the claimant's own statement renders this course improper.

Provision 5th.—The provisions of this rule are not to apply to allowances paid for service performed to the State, claims to which are to be disposed of according to the rules established for such allowances.

Provision 6th.—Mere length of enjoyment of an allowance by a watandár or official person is not of itself sufficient to entitle a claim to be brought under this rule.

Provision 7th.—If an allowance claimed under this rule be found incapable of permanent continuance under it, the claimant shall be allowed the advantages of any of the preceding rules which may be applicable.

(9) On the withdrawal of any allowance under any of the preceding rules, a moiety or other portion may be continued to the widows or the mothers of the last recipients during their lives in cases of proved poverty and destitution.

(10) These rules are not to be considered as necessarily applicable to badal mushábira allowances, or any others of an essentially temporary nature; nor to those of a political nature, as girás allowances, pensions, nemnuks in compensation for jághirs, &c., the titles and continuance of which shall be determined as heretofore, under such rules as Government may find it necessary to issue from time to time.